HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.20438 OF 1994

DATE:14.03.2006

Between:

Y. Bapu Rao and another.

..... PETITIONERS

AND

The Government of A.P., rep. By its

Secretary, Minor Irrigation Department,

Secretariat, Hyderabad and four others.

.....RESPONDENTS

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HON'BLE MR JUSTICE A. GOPAL REDDY

W.P. No.20438 OF 1994

ORDER:

This Writ Petition has been filed for issuance of writ of Mandamus directing the respondents to initiate the proceedings under the Land Acquisition Act (for short 'the Act') and to pay the compensation to the petitioners as per the market value for their lands, which were acquired for the bridge (ayacut) on the river Hussain Mia in Sy.Nos.61,63,65,66 and 67, admeasuring Ac.1-30 guntas, and Sy.No.58, 131, 142 admeasuring Ac.1-6 guntas of second and first petitioners respectively, situated at Gangaram village, Kalvasrirampur Mandal, Karimnagar District.

The allegation of the petitioners is that without initiating the proceedings under the Land Acquisition Act, the respondents have taken away possession of the lands belonging to them for the purpose of construction of the left canal of the Hussain Mia project and no compensation has been paid so far.

In response to the *Rule Nisi*, the fourth respondent filed a counter affidavit stating that the Executive Engineer I &CAD, I.B. Division, Karimnagar submitted a requisition in the year 1976 to the fourth respondent seeking to acquire an extent of Ac.15-00 in Sy.Nos.58,61,63,65,66,67 etc., situated at Gangaram and three other villages, for excavation of left flank channel of ayacut across Hussain Miya vagu near Gangaram village of Srirampur Mandal. Pursuant to the said requisition, the fifth respondent had initiated proposals under the Land Acquisition Act and in the

process, draft notification under Section 4(1) and draft declaration under Section 6 of the Act were submitted to the District Collector, karimnagar on 16.11.1976. Out of the extent of Ac.15-00, an extent of Ac.2-36 guntas of land in Sy.No.58, 131, 132 etc., was proposed for acquisition. At that stage, ayacut constructed in the year 1970 was washed away due to heavy floods and hence, the land acquisition proceedings could not be further processed and the petitioners' lands have not been taken over possession at any point of time. Further, in respect of ayacut across Husssain Miya vagu, an extent of Ac.0.20 guntas belonging to the second petitioner was acquired and the compensation was paid vide award proceedings No.B/7640/76, dated 16.11.1976. It was stated that since the acquisition proposals could not be processed due to washing out of ayacut in the heavy floods, the proposed excavation of left flank canal through the lands of the petitioners could not be made and hence, possession of lands of the petitioners was not taken over by the land acquisition officer nor handed over to the Irrigation Department. Further, it is alleged that in the joint inspection conducted by the fourth and fifth respondents, they came to know that the petitioners had sold away their respective lands to some other ryots of Gangaram village on condition that they would reimburse the sale consideration to the purchasers in the event the canal is excavated through their lands. The petitioners are expired two years back and during their life time they sold the lands to some other persons and the purchasers are in possession of the lands and cultivating the same since long time.

Learned counsel for the petitioners on 20.2.2006 took time to take steps to bring the legal representatives of the petitioners on record, but so far, no such application is filed nor the facts stated in the counter affidavit have been controverted by the legal representatives of the petitioners by coming on record. Since the writ petition has already been abated against the petitioners, no cause survives in the writ petition.

Therefore, the writ petition is dismissed. No costs.

A. GOPAL REDDY, J

14th MARCH, 2006.

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